

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ronald Blanding,)	
)	C/A No.: 2:06-0121-MBS
Plaintiff,)	
)	
vs.)	
)	
State of South Carolina,)	O R D E R
)	
Defendant.)	
)	

Plaintiff Ronald Blanding is an inmate of the South Carolina Department of Corrections. Plaintiff, appearing pro se, moves this court for an order compelling production of state grand jury records. It appears that Plaintiff may have inadvertently filed the underlying with this court rather than the appropriate state Court of Common Pleas.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. §§ 1915 and 1915A and the Prison Litigation Reform Act of 1996. On January 23, 2006, the Magistrate Judge filed a Report and Recommendation in which he recommended that the case be summarily dismissed because (1) the case fails to state a claim upon which relief may be granted; and (2) to the extent Plaintiff's filing can be construed as a mandamus, the court lacks jurisdiction to compel state officials to produce grand jury records to Plaintiff. Accordingly, the Magistrate Judge recommended that the action be dismissed without prejudice and without issuance and service of process. Plaintiff filed no response to the Report.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of any portions of the Report and Recommendation to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has thoroughly reviewed the record. The court concurs in the Report and Recommendation of the Magistrate Judge and incorporates it herein by reference. The case is dismissed without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

February 21, 2006

Columbia, South Carolina

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.